



S/N 09/939,172

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Trishul M. Chulimbi	Examiner:	Hoang Vu A. Nguyen
Serial No.:	09/939,172	Group Art Unit:	2122
Filed:	August 24, 2001	Docket No.:	50037.59US01
Title:	SYSTEM AND METHOD FOR ANALYZING DATA ACCESSES OF A TRACE FROM A COMPUTER-EXECUTABLE PROGRAM TO DETERMINE DATA ACCESS PATTERNS (Currently Amended)		

CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EV 470327677 US

Date of Deposit: August 27, 2004

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop Amendment, Attn: Examiner Hoang Vu A. Nguyen, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22312-1450

By: 

Name: Kayla E. Butcher

TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL
DOUBLE PATENTING REJECTION OVER A PENDING SECOND AND THIRD
APPLICATION

Mail Stop Amendment
Commissioner for Patents
Attn: Examiner Hoang Vu A. Nguyen
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Petitioner, Microsoft Corporation, a corporation organized and existing under the laws of the State of Washington and having its primary place of business at One Microsoft Way, Redmond, Washington 98052 represents that it is the owner of the entire right, title and interest in U.S. Patent Application Serial No. 09/939,172, filed on August 24, 2001 and entitled SYSTEM AND METHOD FOR THE DISCOVERY AND USE OF DAEDALUS DATA REFERENCE REPRESENTATIONS ("present application"), by virtue of our assignment recorded at Reel 012127, Frame(s) 0948.

Petitioner, Microsoft, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term as shortened by any terminal disclaimer filed prior to the grant of any patent granted from pending second U.S. Patent Application Serial No. 09/735,027, (“second application”) or from pending third U.S. Patent Application Serial No. 09/939,162 (“third application”) and hereby agrees that any patent so granted on the present application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to any patent granted on the second or third application, this agreement to run with any patent granted on the present application and to be binding upon the grantee, its successors, or assigns.

In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on the present application that would extend to the full statutory term as shortened by any terminal disclaimer filed prior to the patent grant on the second or third application, in the event that any such issued patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims cancelled by a reexamination certification, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

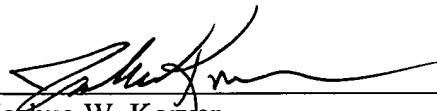
For submissions on behalf of an organization (e.g. corporation, partnership, university, government agency, etc.), the undersigned (whose title is supplied below) is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these

statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

MERCHANT & GOULD P.C.



Joshua W. Korver

Registration No. 51,894

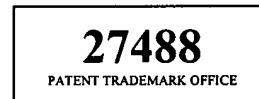
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THE STATEMENT BELOW IS FOR OFFICE USE ONLY

In accordance with the decision granting the petition filed on _____, _____,
this terminal disclaimer is accepted. The period of patent lapse specified above has been
accepted as equivalent to _____ months.

Petitions Examiner

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PATENT TRADEMARK OFFICE